

Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-15 EA-12 EUR-12 NEA-10

ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-04

SOE-02 DOE-15 FMC-02 TRSE-00 H-02 INR-10 INT-05

IO-14 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-09

OMB-01 PA-02 PM-05 SP-02 SS-15 ICA-20 /214 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 3380

LOS COLLECTIVE

UNCLAS SECTION 01 OF 02 USUN NEW YORK 03598

FROM LOSDEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS CONFERENCE -- US SPEECH ACCOMPANYING
AMENDMENTS TO THE MARINE SCIENCE TEXT OF THE ICNT

THE FOLLOWING STATEMENT WAS MADE BY THE US REP IN HIS
PRESENTATION OF A SERIES OF AMENDMENTS TO THE MARINE
SCIENCE PROVISIONS OF THE ICNT. SINCE MARINE SCIENTIFIC
RESEARCH WILL AGAIN BE AN ISSUE AT THE NEXT SESSION OF
THE CONFERENCE, INTERESTED POSTS MAY WISH TO DRAW UPON
THIS EVALUATION IN THEIR DISCUSSIONS WITH HOST GOVERNMENTS.

BEGIN TEXT: MR. CHAIRMAN,

IT WILL COME AS NO SURPRISE TO MY COLLEAGUES THAT MY
DELEGATION AND THE SCIENTIFIC COMMUNITY IN THE UNITED
STATES ARE VERY DISAPPOINTED WITH THE SCIENCE PROVI-
SIONS IN THE ICNT. OUR DISSATISFACTION, I MUST ALSO STATE,
IS FAR MORE EXTENSIVE THAN THE AMENDMENTS WE ARE PUTTING
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FORWARD TODAY MIGHT INDICATE. HOWEVER, WE HAVE TAKEN INTO
ACCOUNT THE CONCERNS OF COUNTRIES WITH VIEWPOINTS
CONTRARY TO OUR OWN, AND SO OUR AMENDMENTS ONLY ARE DE-
SIGN TO CLARIFY OR IMPROVE THE ICNT WITHOUT SUBSTAN-
TIALY ALTERING THE BASIC JURIDICAL ACCOMMODATION REFLECTED
THEREIN. I WOULD NOTE, FOR EXAMPLE, THAT OUR AMENDMENTS
TO ARTICLE 247 DO NOT TRY TO UNDO THE CONSENT REGIME.

SOME DELEGATIONS MAY FEEL THAT THESE SUGGESTIONS DO INDEED ALTER THE BALANCE BUT THIS WAS NOT OUR INTENT AND WE DO NOT BELIEVE THAT IS THE RESULT. SO LET US ENGAGE IN A DISCUSSION OF THESE AMENDMENTS IN ORDER THAT OUR DIALOGUE WILL CONTINUE THE IMPORTANT EFFORTS TO REACH A CONSENSUS ON THIS PART OF THE TEXT.

THE DISSATISFACTION WITH THE ICNT IS INTERSPERSED THROUGHOUT THE SCIENTIFIC COMMUNITY LEADING MANY TO CONCLUDE THEIR INTERESTS ARE BETTER SERVED BY OPPOSING AN EVENTUAL TREATY.

ONE QUESTION WHICH HAS BEEN ASKED OF ME REPEATEDLY IN RECENT DAYS IS WHY ARE YOUR SCIENTISTS DISSATISFIED WITH THE TEXT. LET ME BRIEFLY OUTLINE THE VIEWS OF OUR SCIENTIFIC COMMUNITY.

FIRST, PRESENT CONSTRAINTS ON MARINE SCIENTIFIC RESEARCH ARE CONFINED TO A RELATIVELY NARROW TERRITORIAL SEA AND CONTINENTAL SHELF RESEARCH BEYOND. THE REGIME WHICH IS BEING CREATED BY THE NEW LAW OF THE SEA WOULD PLACE RESTRAINTS ON RESEARCH WITHIN 200 MILES OF THE COAST AND IN SOME INSTANCES BEYOND. OUR SCIENTISTS RECOGNIZE THE REALITY OF INCREASED JURISDICTION OVER RESOURCES AND THE DEMAND FOR CONTROL OVER SCIENCE.

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BUT ANY NEW CONSTRAINT COMPLICATES THE ABILITY TO CONDUCT THE RESEARCH AND ADDS TO THE COSTS OF CONDUCTING THE RESEARCH.

WHAT SCIENTISTS HOPED TO SEE REFLECTED IN THE ICNT WAS A SYSTEM OF REASONABLE CONDITIONS FOR PROTECTING COASTAL STATES INTERESTS COUPLED WITH A REGIME WHICH COULD GRANT THEM ACCESS TO THOSE 200 MILES ZONES -- 200 MILES ZONES WHICH I SHOULD ADD INCORPORATE 35 PERCENT OF THE WORLD'S OCEANS. INSTEAD OF REASONABLE ACCESS TO THE PROPOSED EXCLUSIVE ECONOMIC ZONE THEY SEE IN ARTICLE 247 A REGIME WHICH CONFERS VIRTUALLY TOTAL DISCRETION ON THE COASTAL STATES. INSTEAD OF A REGIME WITH REASONABLE CONDITIONS FOR PROTECTING COASTAL INTERESTS, THEY SEE (IN ARTICLE 250) THE PROSPECT NOT ONLY OF THE COASTAL STATE IMPOSING ADDITIONAL OBLIGATIONS BUT ALSO AN INVITATION TO RESTRICT, PERHAPS PERMANENTLY, THE AVAILABILITY OF RESEARCH RESULTS. SUCH AVAILABILITY IS THE LIFEBLOOD OF THE SCIENTIFIC PROCESS. AS IS WELL KNOWN, SCIENTISTS HAVE ALWAYS MADE PROGRESS BY BUILDING UPON THE RESEARCH RESULTS OF OTHERS. INSTEAD OF A REGIME WHICH PROVIDES PREDICTABILITY IN THE CONDUCT OF THE RESEARCH THEY SEE AN

IMPLIED CONSENT REGIME WITH SO MANY IMPORTANT
EXCEPTIONS AS TO ERODE SERIOUSLY ITS VALUE. ALSO DAMAGING
TO PREDICTABILITY IS ARTICLE 254 WHICH ALLOWS CESSATION
OF A PROJECT WHICH IS ALREADY IN PROGRESS.

EVEN IF ONE WERE TO ACCEPT THE ASSERTION THAT THE PROTEC-
TION ACCORDED COASTAL INTERESTS IN ARTICLES 247 AND 254,
FOR EXAMPLE, ARE REASONABLE AND NECESSARY, THERE IS NO
PROTECTION FOR SCIENTISTS AGAINST ABUSES THROUGH BINDING
DISPUTE SETTLEMENT.

WHILE THE CONCERNS OF OUR SCIENTIFIC COMMUNITY COULD
OBVIOUSLY BE ELABORATED IN FAR GREATER DETAIL, I HOPE

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UNCLAS SECTION 02 OF 02 USUN NEW YORK 03598

FROM LOSDEL

I HAVE PROVIDED SOME APPRECIATION OF THE PERSPECTIVE
OF OUR SCIENTISTS. I REALIZE FULL WELL THERE IS ANOTHER
PERSPECTIVE -- A PERSPECTIVE WHICH A COASTAL COUNTRY LIKE
THE UNITED STATES CAN AT LEAST PARTIALLY UNDERSTAND.

YOU WILL NOTE THAT THERE IS A BRIEF COMMENTARY
ATTACHED TO OUR AMENDMENTS. I, THEREFORE, WILL NOT ELAB-
ORATE OUR AMENDMENTS BUT WILL PROVIDE ONLY A BRIEF COM-
MENTARY ON EACH ZONE. (COMMENTARY NOT INCLUDED.)

LET ME CONCLUDE AS I BEGAN THAT WE HAVE TRIED GENUINELY TO
BE MODEST IN OUR GOALS. WE HAVE SOUGHT TO CLARIFY THE

TEXT IN CERTAIN AREAS AND IMPROVE IT IN OTHERS.

WE RECOGNIZE HONEST DIFFERENCES OF OPINION MAY MOTIVATE
SOME WHO MAY RAISE OBJECTIONS TO THESE SUGGESTIONS. WE
DESIRE A CONSTRUCTIVE DIALOGUE AMONG ALL HERE REPRESENTED
TO SEEK TO BUILD A CONSENSUS ON THIS VERY IMPORTANT AREA.
WE HAVE PUT FORWARD THESE AMENDMENTS BECAUSE WE BELIEVE
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THAT ALL NATIONS WILL BENEFIT FROM A REGIME FOR MARINE
SCIENTIFIC RESEARCH THAT IS RATIONAL AND RESPONSIBLE, THAT
BENEFITS THE COASTAL STATES AND THE VISITING RESEARCHER,
AND THEREBY, BUILDS ANOTHER BRIDGE OF FRIENDSHIP
AND COOPERATION AMONG THE COUNTRIES OF THE WORLD. WE
BELIEVE THAT THESE AMENDMENTS WILL MAKE A CONTRIBUTION
TOWARD THAT GOAL. END TEXT. YOUNG

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